

February 14, 2008

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, February 21, 2008
1:30 p.m., Council Chambers
County-City Building

A G E N D A

- ITEM 1: Request for appeal hearing – Garry Durham — Public Works/Waste-water.
- ITEM 2: Miscellaneous Discussion.

PC: Joan Ross, City Clerk
Greg MacLean
Garry Durham
Gary Young

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January 14, 2008

HAND DELIVERY

Don Taute, Personnel Director
City of Lincoln
555 South 10th Street Rm. 201
Lincoln, NE 68508

RE: Gary Durham

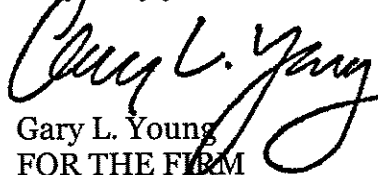
Dear Don:

Until recently, Gary Durham was working out-of-class on a persistent basis for approximately 4 1/2 years doing the work of an Environmental Tech II in the Wastewater Department. He was terminated from that position effective January 2nd or 3rd, 2008. This letter is Gary Durham's formal notice of appeal of termination. Gary Durham's termination is improper because it violated the due process clause of the Federal Constitution because he was denied procedural due process required prior to losing the property right in his employment with the City of Lincoln.

Secondly, Gary Durham appeals for the reason that the City did not have good cause to terminate him as required by the bargaining agreement between Public Association of Government Employees and City of Lincoln, Article 8, Section 6.

At this time I am requesting a complete copy of Mr. Durham's personnel file, along with all documents associated with the recent decision to terminate Mr. Durham, including any e-mails, disciplinary letters, and departmental communications related in any manner to Mr. Durham's qualifications for the position he held and his disciplinary action.

Very truly yours,


Gary L. Young
FOR THE FIRM

GLY:km

CITY - COUNTY PERSONNEL
2008 JAN 14 PM 3 16



**CITY OF LINCOLN
NEBRASKA**

MAYOR CHRIS BEUTLER

lincoln.ne.gov

Public Works and Utilities Department

Karl Fredrickson, Director

555 South 10th Street

Suite 203

Lincoln, Nebraska 68508

402-441-7548

fax: 402-441-8609

CITY - COUNTY PERSONNEL

2007 SEP 20 PM 1 47

September 20, 2007

Mr. Garry Durham
745 Russwood Boulevard
Lincoln, NE 68505

RE: Request for 90-Day Leave of Absence Without Pay

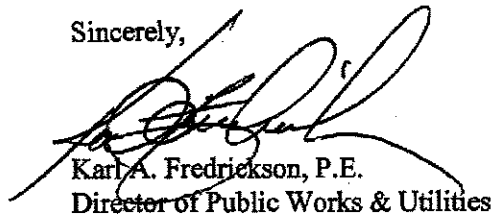
Dear Mr. Durham:

You have already been approved to utilize vacation through September 28, 2007. Additionally, you will have approximately 19 hours of vacation that we will pay for October 1, 2, & 3, 2007, which will exhaust the vacation leave except for the accrual.

Thus, your request for a 90-day leave of absence without pay has been approved for the time period of October 3, 2007, to January 1, 2008. If you have not secured employment within the City prior to that time, your new termination date will be January 2, 2008.

You should contact the Finance Department at 441-7430 for arrangements for insurances to be paid during the AWOP time period.

Sincerely,


Karl A. Fredrickson, P.E.
Director of Public Works & Utilities


Don Taute
Director of Personnel

cc: Gary Brandt

Durham_Approval of 90 Day AWOP_Sept 20 2007.wpd